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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,380	10/09/2003	Shinji Kawai	03173	6402
23338	7590	02/24/2005	EXAMINER	
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			FRISTOE JR, JOHN K	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,380

Applicant(s)

KAWAI ET AL.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10, 11 and 13-25 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 1/15/2004 is acknowledged by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, 10, 11, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,070,852 (McDonnell et al.) in view of U.S. Pat. No. 5,979,691 (Von Holdt). McDonnell et al. disclose a throttle device comprising a throttle body (30), a cover (24), and a coupling device having a first engaging portion (122) and a second engaging portion (120) but lacks the first and second engaging portion having a means for preventing access to the first or second engaging portion. Von Holdt teach a closure member comprising a cover (12), a body (10), a coupling device comprising a first engaging portion (24), a second engaging portion (22), a means for preventing access to the first and second engaging portion (28), wherein the first engaging portion (24) is resiliently deformed and subsequently recovers towards the engaging portion's original configuration in order to engage the second engaging portion (22), wherein the prevention means (28) is arranged and constructed to restrict the intentional operation of the first engaging member (24), an engaging hole (32), an engaging surface (the underside of 30a in figure 5), a shank (the portion of 24 that the lead line is pointing in figure 1), an engaging claw (26), a wall (30) formed integrally with the housing that surrounds the engaging claw (26), an

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engaging recess (underneath rib 16) on the second engaging portion (28), an engaging claw (20) on the first engaging portion (24), wherein the first engaging portion is substantially "L-shaped" (figure 3), and wherein there are a plurality of coupling devices (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the throttle body and cover having a coupling device of McDonnell et al. by adding a means to prevent access to the first engaging portion and second engaging portion as taught by Von Holdt in order to prevent tampering with the gear box of the throttle body.

4. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,070,852 (McDonnell et al.) in view of U.S. Pat. No. 5,979,691 (Von Holdt) as applied to claims 1, 2, 4, and 8 above, and further in view of U.S. Pat. No. 6,349,701 (Sakurai et al.). McDonnell et al. modified above, discloses a throttle device comprising a throttle body (30), a cover (24), and a coupling device having a first engaging member and a second engaging member but lacks a biasing member disposed between the throttle body and the cover. Sakurai et al. teach a throttle device having a throttle body (1), a cover (15), a biasing member (16) disposed between (figure 1) the cover (15) and the throttle body (1), the biasing member biases the first engaging member (on the body 1) and the second engaging member (on the cover 15) so that the engaging members are in loaded condition, and the biasing member is an o-ring (col. 5, lines 7-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the throttle device having a first and second engaging members of McDonnell et al. by adding an o-ring between the cover and body to place the engaging members in a loaded condition as taught by Sakurai et al. in order to create a seal between the

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cover and the throttle body that prevents moisture from entering the gear train and affect the gears operation.

***Allowable Subject Matter***

5. Claims 5, 7, 9, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,852,854 (Pierrot et al.) disclose a coupling device that uses an adhesive as a means to deny access.

U.S. Pat. No. 6,581,569 (Arsic et al.) disclose a coupling device between a throttle body and a cover.

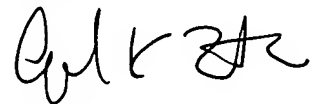
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.  
Examiner  
Art Unit 3751

JKF



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2/22/05